

ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE

DATE: July 28, 2005

START: 2:10 PM

END: 2:20pm

DOCKET NO: 04-CV-3986 (ERK)

CASE: Rothberg v. Blue Ridge Farms

☐ INITIAL CONFERENCE
☐ DISCOVERY CONFERENCE
☐ SETTLEMENT CONFERENCE

☒ ~~OTHER/ORDER TO SHOW CAUSE~~
☐ FINAL/PRETRIAL CONFERENCE
☐ TELEPHONE CONFERENCE

Oral Report & Recommendation

FOR PLAINTIFF:

Stephen Talanga

FOR DEFENDANT:

Barry Fessel

w/ agent:

Ray Shain - (VP Chese Foods)

☐ DISCOVERY TO BE COMPLETED BY

☐ NEXT CONFERENCE SCHEDULED FOR

☐ JOINT PRE-TRIAL ORDER TO BE FILED VIA ECF BY

PL. TO SERVE DEF. BY:

DEF. TO SERVE PL. BY:

RULINGS: PLEASE TYPE THE FOLLOWING ON DOCKET SHEET

Defendant has decided not to continue to defend this action and therefore does not oppose plaintiff's request to strike defendant's answer and enter a default judgment in the amount of \$800,000 plus interest against defendant.

Accordingly, it is the recommendation of this Court that defendant's answer be stricken and a default judgment entered against defendant. Any objection to this

Report and recommendation must be filed with Judge Korman by 7/29/05. Failure to file a timely objection will constitute a waiver of any right to appeal from the judgment.

Plaintiff intends to file a letter with Judge Korman next week, via ECF, containing her calculation of the interest due on the \$800,000 principle amount owed.